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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/808,157	03/23/2004	Richard L. Sandstrom	2003-0022-01	4818
21773	7590	10/04/2006	EXAMINER	
CYMER INC LEGAL DEPARTMENT 17075 Thornmint Court SAN DIEGO, CA 92127-2413				NGUYEN, PHILLIP
				ART UNIT 2828 PAPER NUMBER

DATE MAILED: 10/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/808,157	SANDSTROM ET AL.
Examiner	Art Unit	
Phillip Nguyen	2828	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### **Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 31 July 2006.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-127 is/are pending in the application.  
4a) Of the above claim(s) 13-28,35-42,55-70,77-84,97-112 and 119-126 is/are withdrawn from consideration.  
5)  Claim(s) 29-34,71-76,113-118 and 127 is/are allowed.  
6)  Claim(s) 1,3,7,11,43,45,49,53,85,87,91 and 95 is/are rejected.  
7)  Claim(s) 2,4-6,8-10,12,44,46-48,50-52,54,86,88-90,92-94 and 96 is/are objected to.  
8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 5/10/2004.

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.  
5)  Notice of Informal Patent Application  
6)  Other: \_\_\_\_.

**DETAILED ACTION**

***Election/Restrictions***

1. Claims 13-28, 35-42, 55-70, 77-84, 97-112, and 119-126 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species II, IV to VII, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 7/31/2006.

Applicant, however, traverses the restriction of group III from group I. The argument has been considered and persuasive. Therefore group III has been now rejoined to group I.

***Information Disclosure Statement***

2. The information disclosure statement filed 5/10/2004 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because lacking of one of a foreign reference with document number 2696285 and its translation in English. It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609.05(a). Note that the missing reference is located on page 3 of 5.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 3, 7, 11, 45, 49, 53, 87, 91 and 95 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 3 recites “the at least one flexure arm” which lacks of antecedent basis. Since claim 7 depends on claim 3, claim 11 depends on claim 7; they are also rejected under 35 U.S.C. 112, second paragraph, as well.

Claim 45 recites “the at least one flexure movement means” which lacks of antecedent basis. Since claim 49 depends on claim 45, claim 53 depends on claim 45; they are also rejected under 35 U.S.C. 112, second paragraph, as well.

Claim 87 recites “the at least one flexure movement mechanism” which lacks of antecedent basis. Since claim 91 depends on claim 3, claim 95 depends on claim 91; they are also rejected under 35 U.S.C. 112, second paragraph, as well.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 43, and 85 are rejected under 35 U.S.C. 102(a) as being anticipated by Applicant admitted prior art (AAPA). AAPA discloses in Figures 6A and 6B of the present application a fast moving angularly positionable tuning mirror comprising: a mirror mounting frame comprising a first material 152 and a relatively flat mounting surface area; a reflective optic 154 comprising a second material having a coefficient of thermal expansion different from that of the first material of the mounting frame; at least two attachment points 158 and 156 of attachment between the mounting frame 152 and the reflective optic 154 on the mounting frame surface; and, at least one flexure mount 168 formed in the mounting frame that is flexible in a flexure axis corresponding to a longitudinal axis of thermal expansion of the mounting frame and the reflective optic, positioned at one of the at least two points of attachment. It is noted that a part of the flexure 168 which holds the reflective 154 is located right at the top of the reflective optic and the points of attachment 158.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 43, and 85 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lloyd (US Patent No. 5801819). Lloyd discloses in Fig. 4 a mirror mounting frame 12 comprising a first material and a relatively flat mounting surface area (top surface); a reflective optic 10 comprising a second material having a coefficient of thermal expansion different from that of the first material of the mounting frame (since two materials are different, they have different coefficient of thermal expansions); at least two attachment points of attachment between the mounting frame 12 and the reflective optic 10 on the mounting frame surface; and, at least one flexure mount (identical to either element 34/36 but located on right or left end of the mounting frame 12) formed in the mounting frame that is flexible in a flexure axis corresponding to a longitudinal axis of thermal expansion of the mounting frame and the reflective optic, positioned at one of the at least two points of attachment. It is noted that the two points of attachment could be anywhere in attaching surface 32 (pad) of the flexure 24 (see Fig. 3) since the pad 32 is large enough to contain more than two points. Lloyd does not disclose a laser light source system with fast moving angularly positionable tuning mirror. However, it would have been obvious to the one having ordinary skill in the art at the time the invention was made to

provide to use the mirror mounting apparatus disclosed by Lloyd to any suitable laser system for mounting the mirror.

***Allowable Subject Matter***

6. Claims 29-34, 71-76, 113-118, and 127 are allowed.

Claims 2, 4-6, 8-10, 12, 44, 46-48, 50-52, 54, 86, 88-90, 92-94, and 96 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Communication Information***

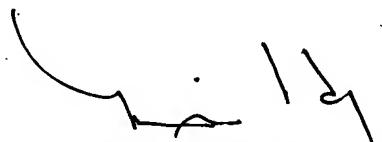
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phillip Nguyen whose telephone number is 571-272-1947. The examiner can normally be reached on 9:00 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MINSUN HARVEY, can be reached on 571-272-1835. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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WINSUN C. HARVEY  
PRIMARY EXAMINER